GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department – A.P. State Disaster Response and Fire Services – Sri K. Venkata Ramana, Fireman of Jaggampeta Fire Station – Regularization of suspension period and removal from service period and fixation of pay in RPS, 1999, 2005, 2010 and 2015 for payment of all consequential benefits – Orders - Issued.

HOME (PRISONS & FIRE) DEPARTMENT

G.O.Rt.No.1023 Dated: 25.09.2023.

Read the following:-

1. Proceedings Rc.No. 784/A3/1996, dt. 18.03.1996 of the Divisional Fire Officer, Kakinada.
2. Proceedings Rc.No. PR/1/A2/99, dated. 31.08.1999 of the Divisional Fire Officer, Kakinada.
3. Orders dt. 31.01.2000 in O.A.No. 5463/99 and 5393/99 of APAT, Hyderabad.
4. Proceedings Rc.No. 2/A2/99, dt. 10.04.2000 of the Divisional Fire Officer, Kakinada.
5. Proceedings Rc.No. 2083/E2/96-2, dt.30.08.2001 of the Divisional Fire Officer, Kakinada.
6. Orders dt. 21.04.2005 in CC No. 15/1999 of Hon'ble IVth Additional First Class Judicial Magistrate, Kakinada.
7. Proceedings Rc.No. 2328/A2/99-2, dt. 29.04.2005 of the Divisional Fire Officer, Kakinada.
8. Orders dt. 19.07.2006 in CA No. 90/05 & CA No.83/05 of Hon'ble IIIrd Additional District & Sessions Judge, Kakinada.
9. Orders dt. 14.12.2011 in O.A.No. 5793 of 2009 Hon'ble APAT, Hyderabad.
10. Orders dt. 25.11.2021 in Criminal Appeal No. 1537/2009 of the Hon'ble A.P High Court, Amaravathi
11. From the Director General, State Disaster Response and Fire Services, Andhra Pradesh, Vijayawada, Lr. Rc.No. 2083/E2/1996, Dated: 18-05 -2022.

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ORDER:

In the reference 1st read above, Sri K.Venkata Ramana, the then Fireman, Kakinada Fire Station, East Godavari District was kept under suspension w.e.f. 18.03.1996 on the allegations that he committed gross misconduct, dishonest and cheating of General Provident Fund Subscribers of A.P. Fire Service personnel and thus mis-appropriated public money of Rs.16,000/- and Rs.82,000/- by way of fraudulent withdrawal from GPF account of certain personnel who are working on deputation at the O.N.G.C, Narasapuram, West Godavari District on 20.07.1993 & 24.11.1995 respectively.

2. The matter was reported to the 2 Town Police Station, Kakinada and got FIRs registered in Cr. Nos.55/97 and 85/98 and in terms of the instructions of the Government Memo. No. 2261/Ser.C/79-2, GA (Ser.C) Dept, dated. 23-10-1979, the then Divisional Fire Officer, Kakinada, E.G. District taken disciplinary action as per CCA Rules, 1991 and issued orders duly awarding the punishment of "Dismissal from service" with effect from 31-08-1999 and also instructed to refund the said amount (Misappropriation amount) of Rs.42,334/- to credit into the G.P.F. Accounts of the staff who have lost their hand earnings vide reference 2nd read above.

P.T.O

3. Aggrieved by the orders of “Dismissal from Service”, Sri K. Venkata Ramana, the then Fireman, Kakinada Fire Station, East Godavari District filed O.A.No.5463/99 in the Hon’ble A.P.A.T., Hyderabad. In the reference 3rd read above, the Hon’ble A.P.A.T, Hyderabad, issued orders setting aside the impugned orders of “Dismissal from Service” and giving liberty to the respondents to initiate fresh proceedings as per law.

4. In the light of the orders of Hon’ble A.P.A.T, Hyderabad, the Divisional Fire Officer, East Godavari District, Kakinada withdrawn the punishment of “Dismissal from Service" awarded in the reference 2nd read above, pending further enquiry and continue Sri K.Venkata Ramana, under suspension from 31.08.1999, vide reference 4th read above. Later, based on the further orders of Hon’ble APAT, he was re-instated into service and posted at Fire Station, Amalapuram, East Godavari District vide proceedings Rc.No.2083/E2/96-2, dated: 30.08.2001.

5. In the reference 6th read above, Hon’ble IVth Additional First Class Judicial Magistrate, Kakinada in its judgment sentenced Sri K. Venkata Ramana, the then Fireman, Kakinada Fire Station, East Godavari District to suffer Rigorous Imprisonment for (3) years for the offences under section 409, 468 and 477A I.P.C. and also to pay a fine of Rs.1,000 i/a S.I two months.

6. In the light of the above orders of Hon’ble IVth Additional First Class Judicial Magistrate, Kakinada, Sri K. Venkata Ramana, Fireman was “Removed from Service with immediate effect” vide reference 7th read above.

8. Aggrieved by the above orders Sri K. Venkata Ramana, Fireman (Removed) approached the Hon’ble IIIrd Additional District & Sessions Judge, Kakinada and filed Criminal Appeal No. 90/05 & Criminal Appeal No.83/05.

9. In the reference 8th read above, the Hon’ble IIIrd Additional District & Sessions Judge, Kakinada, acquitted the individual Sri K. Venkata Ramana, Fireman (Removed) leaving aside the scandal amount of Rs.12,000/- and Rs.16,000/- about the recovery to be effected.

10. The Superintendent of Police, East Godavari District who is competent authority was filed the Criminal Appeal No.1537 of 2000, dt:11.01.2009 in High Court of A.P against the orders of “Acquittal” in Criminal Appeal No.83/2005, on the file of the IIIrd Additional District and Sessions Judge, Kakinada.

11. In the reference 9th read above, the Hon’ble A.P. Administrative Tribunal, Hyderabad passed final orders and directed the respondents to reinstate the applicant into service immediately with all consequential benefits and treat the suspension period from 18-03-1996 to till date of reinstatement i.e., 30-08-2001 and the period of removal from 29-04-2005 to till the date of reinstatement into service, as per rules.

12. Accordingly, Sri K. Venkata Ramana was reinstated into service vide Pro. Rc.No.2083/E2/LC/1996, dated.14-03-2012 of the Director General, State Disaster Response and Fire Services, Andhra Pradesh, Hyderabad.

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13. In the reference 10th read above, Hon'ble High Court of Andhra Pradesh, Amaravathi has issued following Judgment on Criminal Appeal No. 1537/2009 filed by the State of AP:-

> "It is no doubt true that, Prosecution examined 26 Witnesses and marked 48 Exhibits. But, however, it is the quality and not the quantity which matters while appreciating the evidence. Having regard to the admissions in the evidence of the Witness, referred to above, I am of the view that, the evidence adduced by the prosecution does not establish by and reasonable doubt that the accused prepared fabricated sanction orders, office notes, and after forging the documents in cash the same of Rs. 82,000/-*. **Hence, the findings arrived at by the Appellate Court in "acquitting A1 and A3" warrants no interference".** Accordingly, the Appeal is dismissed. No cost.

14. In the reference 11th read above, the Director General, State Disaster Response and Fire Services, Andhra Pradesh, has requested the Government to issue necessary orders on the representation of Sri K. Venkata Ramana, Fireman, Jaggampeta Fire Station for regularization of suspension period from 18-03-1996 to 30-08-2001 i.e., (1991) days, removal from service period from 29-04-2005 to 25-03-2012 i.e., (2522) days and for fixing up of his Pay in RPS, 1999, 2005, 2010 and 2015 for payment of all consequential benefits as per the Common Judgement dated 19.07.2006 in C.A.No. 90/2005 and C.A.No. 83/2005 of the III Addl. District & Sessions Judge, Kakinada as he was acquitted and orders passed on 14-12-2011 by the Hon'ble A.P. Administrative Tribunal, Hyderabad in O.A. No.5793 of 2009 and as per the Judgment dated. 25.11.2021 of the Hon'ble Andhra Pradesh High Court, Amaravathi in Criminal Appeal No. 1537/2009.

15. After careful examination of the matter and keeping in view of the orders of Hon'ble APAT, Hyderabad and Hon'ble High Court of AP, Amaravathi, Government hereby order to regularise the suspension period from 18-03-1996 to 30-08-2001 and removal from service period from 29-04-2005 to 25-03-2012 and for fixing up of his Pay in RPS, 1999, 2005, 2010 and 2015 for payment of all consequential benefits as per the Common Judgement dated 19.07.2006 in C.A.No. 90/2005 and C.A.No. 83/2005 of the III Addl. District & Sessions Judge, Kakinada as he was acquitted and orders passed on 14-12-2011 by the Hon'ble A.P. Administrative Tribunal, Hyderabad in O.A. No.5793 of 2009 and as per the Judgment dated. 25.11.2021 of the Hon'ble Andhra Pradesh High Court, Amaravathi in Criminal Appeal No. 1537/2009.

16. The Director General, State Disaster Response and Fire Services, Andhra Pradesh, Vijayawada, shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARISH KUMAR GUPTA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General, State Disaster Response and Fire Services,
Andhra Pradesh, Vijayawada.
Sri K. Venkata Ramana, Fireman, Jaggampeta Fire Station through
the Director General, State Disaster Response and Fire Services, A.P. Vijayawada.

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Copy to:-

The Accountant General, Andhra Pradesh, Vijayawada.
The Director of Treasuries & Accounts, 2nd floor, Nidhi Bhawan,
IT Park, Mangalagiri.
OSD to Hon'ble M (Home).
The P.S to Principal Secretary, Home.
SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER